

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Levell Ricks,

Case No. 1:10-cv-430

Petitioner,

v.

Judge Michael R. Barrett

Warden, Lebanon Correctional Institution

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation ("Report") filed by Magistrate Judge Michael R. Merz on August 25, 2011 (Doc. 22). The Report recommends that Petitioner Levell Ricks' Petition for Writ of Habeas Corpus be dismissed with prejudice. (Doc. 22, 14.)

Proper notice was given to the parties under Rule 72(b) of the Federal Rules of Civil Procedure including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).¹ Despite being granted a 10-day extension, no objections have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636 and Rule 72(b), this Court finds the Report to be thorough and correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED** in full. As the Report recommends (Doc. 22, 14), Mr. Ricks' Petition for Writ of Habeas Corpus is **DISMISSED with prejudice**. Furthermore, he is **DENIED** a certificate of appealability and the privilege of appealing *in forma pauperis*. This matter is closed.

¹ Notice was attached to the Report regarding objections. (Doc. 22, 15.)

IT IS SO ORDERED.

s/Michael R. Barrett
UNITED STATES DISTRICT JUDGE